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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,180	03/31/2000	Sung-Hwa Gong	678-458 (P8993)	2621

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Paul J Farrell  
Dilworth & Barrese  
333 Earle Ovington Boulevard  
Uniondale, NY 11553

EXAMINER

LELE, TANMAY S

ART UNIT PAPER NUMBER

2684

DATE MAILED: 02/13/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/540,180

Applicant(s)

GONG, SUNG-HWA

Examiner

Tanmay S Lele

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 40-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10 October 2003 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 40 and 41 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 40 – 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 40, it was not understood if “digits/characters” was in reference either digits or characters or both. For purposes of examination, it was assumed that either could be displayed and inputted. Appropriate correction is required.

Claims 41 – 43 are rejected for at least those reasons seen in claim 40.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 40 – 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. (Mitchell, US Patent 5,966,671) in view of Seymour (Seymour, US Patent No. 6,529,713) and in further view of Kunihiro et al. (Kunihiro, US Patent No. 5,915,228).

Regarding claim 40, Mitchell teaches of a method for using a multi-function key with a protrusion adapted to slide in a first direction and a second direction substantially opposite to the first direction, and be pressed in a third direction substantially perpendicular to the first direction (as seen in Figure 3 and column 3, lines 8 – 25), a display for displaying digits/characters, (as seen in Figure 2 and column 2, lines 55 – 65) and at least one hierarchal menu for selecting various functions (column 2, lines 18 – 30), comprising the steps of generating at least one input signal by performing at least one of the following multi function key manipulations: a) pressing the protrusion of the multi-function key at least once; b) sliding the protrusion of the multi-function key in the first direction; and c) sliding the protrusion of the multi-function key in the second direction (as seen in Figure 3 and starting column 2, line 66 and ending column 3, line 25 and column 2, lines 1 – 12).

Mitchell does not specifically teach of in a watch-type portable phone or the watch-type portable phone having the multi-function key (though it should be noted that Mitchell's invention deals with reduction of size of the mobile through the use of a smart button as detailed

in, for example, starting column 1, line 66 and ending column 2, line 12) or of wherein the at least one input signal is used to input digits/characters (though it should be noted that Mitchell does provide for provisions for editing via criteria, as seen in table 2, lines 29 –33).

In a related art dealing with the carrying of small mobile, Seymour teaches of a watch-type portable phone or the watch-type portable phone (column 1, lines 5 – 14 and Figures 1 – 6).

It would have been obvious to one skilled in the art at the time of invention to have included into Mitchell's multi-function smart button, Seymour's wearable wrist watch configuration, for the purposes of carrying the reduced size mobile and conveniently using the mobile in such a position, as taught by Seymour.

Mitchell in view of Seymour do not specifically teach of wherein the at least one input signal is used to input digits/characters.

In a related art dealing with a method to input characters in a mobile using one input device, Kunihiro teaches of wherein the at least one input signal is used to input digits/characters (abstract and starting column 2, line 64 and ending column 3, line 15 and column 4, lines 9 – 16).

It would have been obvious to one skilled in the art at the time of invention to have included into Mitchell and Seymour's wearable mobile with multifunction system, Kunihiro's inputting methods, for the purposes of realizing an input device which can manage with less mounting space, as taught by Kunihiro.

Regarding claim 41, Mitchell in view of Seymour and Kunihiro, teach all the claimed limitations recited in claim 40. Kunihiro further teaches of wherein a first inputting is performed if the manipulation is performed for a short duration (column 3, lines 41 –50) and a second

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inputting is performed if the manipulation is performed for a long duration (column 3, lines 59 – 63).

Regarding claim 42, Mitchell in view of Seymour and Kunihiro, teach all the claimed limitations recited in claim 40. Mitchell further teaches of wherein the at least one input signal is further used to navigate through the at least one hierarchal menu (column 2, lines 18 –30).

Regarding claim 43, Mitchell in view of Seymour and Kunihiro, teach all the claimed limitations recited in claim 40. Mitchell further teaches of wherein the at least one input signal is further used to select a function (column 2, lines 18 –30).

***Citation of Pertinent Prior Art***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Inventor	Publication	Number	Disclosure
Hino et al.	US Patent	5,703,947	Portable telephone equipment for biasing a switching member to a normally neutral position (specifically column 13, lines 25 –38)
Nishiyama et al.	US Patent	5,436,954	Foldable radio telephone set with rotary selector integral with foldable hinge element


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

  
Tanmay S Lele  
Examiner  
Art Unit 2684

tsl  
February 4, 2004

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**